



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY  
1000 NAVY PENTAGON  
WASHINGTON, DC 20350-1000

SECNAVINST 5730.5H

OLA

1 Sep 05

SECNAV INSTRUCTION 5730.5H

From: Secretary of the Navy

Subj: MISSION, FUNCTIONS, AND RESPONSIBILITIES OF THE OFFICE OF  
LEGISLATIVE AFFAIRS AND PROCEDURES FOR HANDLING LEGISLATIVE  
AFFAIRS AND CONGRESSIONAL RELATIONS

Ref: (a) 10 USC 5014  
(b) DOD Directive 5500.1  
(c) SECNAVINST 4650.16

1. Purpose. To prescribe procedures for the conduct of the congressional affairs of the Department of the Navy.

2. Cancellation. SECNAVINST 5730.5G and SECNAVINST 5430.26E.

3. Policy. The Secretary of the Navy (SECNAV) regards the conduct of congressional affairs as a primary responsibility of the Department. The Chief of Legislative Affairs (CLA) is the Secretary's principal staff assistant for discharging the legislative functions and responsibilities of the Department of the Navy (DON) with the exception of liaison with the Appropriations Committees, which is vested with the Assistant Secretary of the Navy (Financial, Management and Comptroller) (ASN(FM&C)), Appropriations Matters Office (FMBE). It is the Secretary's policy that all organizational components of the DON keep the CLA informed of significant matters relating to legislative affairs and congressional relations. Matters pertaining to the Appropriations Committees should be referred to the ASN(FM&C). Establishing close working relations in the field of congressional affairs between DON activities and the Offices of Legislative Affairs (OLA) and ASN(FM&C) is essential if the Navy's needs and views are to be presented effectively to Congress.

4. Authority and Organization

a. The CLA is assigned authority and responsibility of discharging the legislative functions and responsibilities

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prescribed here, subject to the supervision of the Under Secretary of the Navy (UNSECNAV). This authority extends to relationships and transactions with all activities of the DON and other governmental and non-governmental organizations and individuals. Per reference (a), no other office or entity shall be established or designated within the DON to conduct legislative affairs functions, nor shall any element of the DON perform legislative affairs functions except under the direction of the CLA. The CLA is assisted by:

(1) A Deputy Chief of Legislative Affairs for Navy(DCLA(N)) Matters who shall serve as the principal assistant to the CLA.

(2) A Deputy Chief of Legislative Affairs for Marine Corps (DCLA(MC)) Matters who shall serve as the principal assistant to the CLA for Marine Corps matters. As the DCLA (MC) will normally be a Marine Corps General Officer, he may report directly to SECNAV regarding matters solely related to the Marine Corps.

b. Congress has directed a separate and independent organization liaison with Congress on budget matters. The ASN(FM&C) is responsible to the Secretary of the Navy for the DON's relations and liaison with the Appropriations Committees, Committee Members and staff personnel for matters concerning DON appropriations. The CLA and the ASN (FM&C) will maintain close coordination and cooperation. Within the ASN(FM&C), the Navy Appropriations Matters Office (FMBE) is specifically assigned responsibility to maintain liaison with Appropriations Committees for the ASN(FM&C).

5. Mission. The mission of the OLA is to:

a. Plan, develop and coordinate relationships between representatives of the DON and Members of Committees of the United States Congress and their staffs, which are necessary in transaction of official Government business (except appropriation matters) affecting the DON.

b. Provide all information, assistance and staff support required by the SECNAV, his civilian executive assistants, the Chief of Naval Operations (CNO), the Commandant of the Marine Corps(CMC) and all other principal officials of the DON in congressional matters to include:

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(1) Assistance in preparing and coordinating congressional testimony, briefings, posture statements, policy statements, informational papers and other matters relating to providing information to Congress.

(2) Assistance in preparing and coordinating legislative proposals, reports and comments on bills and resolutions, executive orders and responses to congressional correspondence and other matters involving DON policy on items of congressional interest.

(3) Supporting and hosting congressional travel.

6. Functions and Responsibilities. The CLA shall (except as it relates to Appropriations committees):

a. Develop, coordinate and process DON actions relating to proposed legislation, Executive Orders and Presidential Proclamations sponsored by or officially referred to the DON.

b. Develop, coordinate and process DON actions relating to congressional investigations and other pertinent matters effecting relations between Congress and the DON.

c. Provide Members and Committees of Congress with information concerning the actions, plans and programs of the DON, where appropriate.

d. Monitor and evaluate congressional proceedings and other congressional actions affecting the DON and provide pertinent information to appropriate DoD officials and offices.

e. Coordinate and make arrangements for the presentation of all DON matters before Congress.

f. Process correspondence from Members in matters of personal interest involving their constituents.

g. Coordinate delivery of classified information to Congress in accordance with prescribed policies.

h. Supervise travel arrangements for congressional travel undertaken as an official responsibility of the DON.

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i. Maintain continuous and direct liaison with Congress, the Department of Defense (DoD) and other governmental agencies in connection with the above matters.

7. Providing information to Congress. All DON components shall make maximum information available promptly to Members of Congress and congressional committees and their staffs. When doubt exists whether specific information may or may not be released to Congress, the releasing authority should consult the CLA for guidance and recommendation. No information intended for the Appropriations Committees or their staffs will be released from the DON without the approval of the ASN(FM&C). FMBE has been delegated authority to approve all information transmitted, keeping the ASN(FM&C) informed of significant items.

a. Correspondence. Correspondence from Members of Congress addressed directly to the SECNAV will be processed in accordance with existing policy. Other correspondence from members shall be processed in the following manner:

(1) Unless a full reply can be made within 5-working days from the time of receipt by an addressed activity, an interim reply shall be made. The interim reply should give all available relevant information, including the reason why additional time is required, and the date a final reply can be expected.

(2) When a final reply cannot be made by the date set in the interim reply, an additional interim reply shall be sent to the Member explaining the additional delay and establishing a new date the final reply can be expected.

(3) Those activities rendering decisions on personnel oriented matters in which congressional interest has been expressed must recognize congressional sensitivities and ensure the response to the congressional inquiry is provided no later than the response to the concerned individual.

(4) DON activities contacted directly by Members of Congress are responsible for replying directly on routine and non-policy matters. Copies of both incoming and outgoing correspondence resulting from direct contact with Members of Congress shall be provided to the CLA, or FMBE as appropriate.

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(5) In order to avoid unnecessary delay, addressees are authorized to delegate to appropriate staff members or program heads the authority to sign replies to congressional correspondence which have not been personally signed by the Member, or which are obviously of a routine nature.

b. Release of classified, privileged and official information to Congress shall be in accordance with existing regulations.

#### 8. Congressional Visits

a. Requests from Congress. All requests for visits to DON activities from Members of Congress or staff members will be referred to the CLA or FMBE, as appropriate.

b. Invitations to Congress. The CLA will be informed of any invitation to a Member of Congress or a staff member to visit a Navy activity.

c. Unannounced Congressional Visits. In the event a Member of Congress or a staff member visits a Naval activity unannounced, for other than investigative purposes, such as a tour of the facilities, the CLA will be notified by the most expeditious means, preferably telephone or e-mail. Initial information should include who, where, and the reason for the visit. Unannounced visits by Appropriations Committee Members or Staff on appropriations business will be reported to FMBE.

d. Report of Congressional Visits. At the conclusion of a Congressional visit without an OLA escort, an e-mail report will be submitted to the CLA or to FMBE as appropriate, information to the CNO or CMC and the chain of command as appropriate. This report will include the place and duration of the visit, names of Members and staff, areas of interest, summary of information furnished, requirements imposed and deficiencies disclosed.

9. Relationship with Government Accountability Office. As an agent of Congress, the Government Accountability Office (GAO) has broad authority to examine how government funds are spent and how agencies carry out the mandate of Congress. The ASN(FM&C) has been assigned responsibility for liaison between the GAO and the Department of the Navy.

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10. Relationship with the Congressional Budget Office. The Congressional Budget Office (CBO) provides committees of Congress information to assist in matters within their jurisdictions. CBO is authorized to secure information, data, estimates, and statistics directly from departments and agencies of the Executive Branch. Within the DON, the OLA is responsible for liaison with CBO.

11. Congressional Liaison. The CLA will maintain Navy Department liaison offices in the Senate and House Office Buildings, adequately staffed to respond to inquiries from Members of Congress.

12. Legislative Program

a. Annual Legislative Program. Reference (b) sets forth the procedures for the legislative program of the DoD. Supplementary instructions are normally issued annually by the Secretary of Defense and by a joint Navy OLA and Navy Office of General Counsel (OGC) "Call Memo."

b. New Legislation. Budget Impact legislative proposals (proposals that create or changes an entitlement, require funding in a Program Budget Decision or have tax implications) should be submitted by 15 February. Non-budget impact legislative proposals should be submitted by 15 June. Legislative proposals should be forwarded to the CLA and the OGC via the originator's normal chain of command. The CLA will coordinate with OPNAV and SECNAV and, after approval by the SECNAV, process the proposal in conjunction with the DoD legislative program. The new legislative proposal will include:

- (1) Clear and concise legislative language.
- (2) A section by section analysis of the language written in a style persuasive to a layman.
- (3) A brief section setting forth arguments both for and against the proposal ("pros and cons").
- (4) Contact information for a designated expert who wrote or completely understands the proposal.
- (5) A statement of budget implications, including estimated costs or savings.

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(6) If the proposal is a re-submission from a previous year, a detailed justification for re-submission.

c. Comments on other DON or DoD Program Legislation. The CLA will obtain comments of interested Navy organizations on non-Navy legislation referred to the DON for comment. The legal counsel for the Vice Chief of Naval Operations (NO9BL) coordinates OPNAV and second echelon command comments.

d. Proclamation and Executive Orders. DON activities desiring to propose a proclamation or an executive order may do so by forwarding to the CLA via the originator's normal chain of command, a detailed justification similar to that outlined above for new legislation. In addition, a proposal for an executive order should include a draft White House press release explaining the purpose of the executive order.

e. Annual Review of Expiring Law. On or before 1 July of each year, the CLA, in conjunction with cognizant DON activities, shall compile a list of laws due to expire during the forthcoming calendar year. DON activities concerned will submit comments to the CLA via the normal chain of command setting forth their recommendations as to whether the laws should be extended or be permitted to expire and the reason for such recommendations.

f. Controversies. In the event of disagreement within the DON in the development of a DON position on legislation or legislative matters that cannot be resolved through the normal chain of command, the CLA will consult with the interested parties in an effort to resolve the disagreement. If the matter is not resolved, it will be referred to the SECNAV for decision.

g. The CLA shall provide information copies of proposed Navy comments on all non-program legislation to the OGC.

### 13. Congressional Committee Oversight

a. As a function of their oversight responsibility, congressional committees often seek information from the DON. As a basic objective, the SECNAV attempts to preclude formal congressional investigations by promptly furnishing, in response to committee inquiries, properly cleared and adequate information on the DON programs and operations.

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b. The following procedures will be used in replying to congressional inquiries:

(1) Normally, congressional committee inquiries are addressed to the CLA, or to the SECNAV, who refers such inquiries to the CLA (or FMBE) for appropriate action. When an investigative inquiry is received by a Navy activity directly, the CLA will be notified immediately. The CLA will establish direct communication with the source of the inquiry in Congress, or forward the inquiry to FMBE as appropriate, and ascertain the specific information desired and, if possible, the proposed use of the information. The CLA or FMBE will evaluate and refer the inquiry to the cognizant organizations for action and information, as appropriate. Procedures and actions governing the appearance and scheduling of witness before congressional committees and the processing of prepared statements are set forth in paragraph 16.

(2) In the event a Member of Congress, a committee member, or a staff member contacts or visits a Naval activity unannounced to request information of an investigative nature or to examine records, the activity shall follow the guidelines established by this instruction. Classified, privileged or official information will be provided only in accordance with existing regulations. The activity shall inform the chain of command and OLA of the request and seek guidance by the most direct means of communication. Every possible courtesy shall be extended and every effort made to avoid unnecessary delay of the inquiry. At the conclusion of a committee's investigation, hearing, or visit, a summary report will be provided to the CLA. The report shall detail the place and duration of the visit, names of Members of Congress and staff, deficiencies noted, and corrective action taken or recommended.

14. Congressional Travel. The CLA and FMBE, as appropriate, will coordinate congressional travel throughout the DON on behalf of the SECNAV. Congressional travel policy and regulations are found in reference (c).

15. Witnesses before Congress

a. The CLA is responsible for the designation, appearance and scheduling of witnesses before congressional committees. FMBE is responsible for this function for the Appropriations Committees.



b. The following procedures are intended to ensure that testimony of DON witnesses may be of maximum assistance to Congress by ensuring that departmental and personal positions expressed by witnesses are expressed with full knowledge of the DoD policy or position in each case.

(1) Designation of Witnesses. In the event a request for a witness is made by any source other than the OLA or FMBE, the persons contacted shall promptly contact the OLA or FMBE in cases involving the Appropriations Committees, and provide the following information:

- (a) Source of request.
- (b) Name of committee.
- (c) Subject of hearing.
- (d) Date, place and time of hearing.
- (e) Name, rank, and position of the witness(es) requested.

The OLA and FMBE will inform DoD of requirements for witnesses, when appropriate.

(2) Determination of DoD Policy. Civilian and military representatives of the Navy and Marine Corps who are called to testify before a committee of Congress will take appropriate action to ensure they completely understand the DoD position or policy on the topic upon which they expect to testify. They will also be familiar with DoD guidelines to official departmental witnesses who, in the course of congressional hearings, are required to give their personal opinions on positions established by the Secretary of Defense. This is a personal responsibility of the witness, as well as the responsibility of the Department. The OLA or FMBE will arrange for coordination with Office of the Secretary of Defense (OSD) as needed.

(3) Prepared Statement. OLA, or FMBE as appropriate, will coordinate the tasking for the preparation of witness statements. All witness statements must be cleared by Navy and DoD policy review and security review and approved by the Office of Management Budget (OMB) and submitted to Congress two working

days prior to the hearing. Submission of the witness' statement as far in advance as possible is essential. Prepared charts and exhibits to be presented before a congressional committee must be cleared in the same manner. Testimony, charts and exhibits become committee property when delivered and may not be released until so authorized by the cognizant committee. Under no circumstances should releases occur in advance of presentations.

(4) OMB Clearance. OLA, or FMBE as appropriate, will submit proposed Navy testimony addressing pending legislation or containing specific legislative recommendations to the OMB for clearance.

(5) Exchange of Information. It is essential the OLA, or FMBE as appropriate, be kept fully informed of policy discussions between Navy and Marine Corps witnesses and the OSD.

(6) Information requested by a committee during a hearing, which is not immediately available to the witness (Questions for the Record and Information for the Record), will be obtained by the command or staff office having action responsibility, and forwarded to the CLA after approval by the Director, Navy Staff (CNO(DNS)) for transmittal to the committee. Marine Corps witnesses respond to Congress via DCLA (MC). FMBE will respond to the Appropriations Committees.

(7) Responsibilities after Hearings. After each committee hearing, other than those by Appropriations Committees, a copy of the transcript of testimony of witnesses normally is available to the OLA. FMBE receives the transcript of hearings by the Appropriations Committees. Transcripts of testimony given in open session will be submitted to the witnesses concerned for examination and correction. Witnesses may correct grammatical or typographical errors by black-pencil notation, provided the corrections do not alter the substance of the testimony given. Transcripts of testimony given in closed or executive session will be reviewed in accordance with existing regulations.

16. Requests for Conferees or Representatives. Requests for conferees or representatives from the DON for task forces, ad hoc committees, or conferences dealing with legislative matters or congressional investigations shall be relayed to the CLA.

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Navy representatives assigned to posts contemplated in this paragraph will keep the CLA advised of proceedings as appropriate.

17. Processing Congressional Action Items. Annual review and implementation of Congressional Actions on Authorization and Appropriations Acts affecting the DoD and related Congressional reports should be completed as tasked by CNO (DNS) or Headquarters, Marine Corps.

18. Time Limits. The CLA may establish time limits for the submission of comments or recommendations on congressional matters, which have been referred to Naval activities for review. An activity which has not submitted its views in connection with a congressional matter within the time allowed will be presumed to have no comment or recommendation to make. Upon the expiration of the time limit imposed, the CLA will prepare and submit a report on the basis of comments received, or, if no comments have been received, then on the basis of previously established DON policy.

19. Report. Reporting requirements contained in section 211.b(3) are exempt from reports control by SECNAVINST 5214.2B.

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By direction

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